

CLOSED, ECF, RELATED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-03881-SAS**

Stadman et al v. Austrian National Tourist Office, Inc.

Assigned to: Judge Shira A. Scheindlin

Related Case: 1:01-md-01428-SAS-THK

Cause: 28:1330 Breach of Contract

Date Filed: 05/17/2007

Date Terminated: 07/09/2007

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: Federal Question

**Plaintiff**

**Joop H. Stadman**

*father of Barry Stadman (killed in Nov. 11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
 Fagan and Associates  
 c/o 1414 Avenue of Americas  
 #406  
 New York, NY 10017  
 (212)293-1900  
 Fax: (973) 998-9276  
 Email: faganlawintl@aim.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Brigitte Decker**

*mother & father and Jutta Decker, sister of Jakob Decker (killed in Nov. 11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Sidonija Scharwitzl**

*Mother of Dietmar Scharwitzl (killed in Nov. 11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Rastko Ferk**

*father and mother of Rasko Ferk, Jr. (killed in Nov. 11, 2000 Kaprun fire)*

represented by **Edward Davis Fagan**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

05/26/2007	<u>3</u>	CERTIFICATE OF SERVICE. Fachverband der Seilbahnen served on 5/17/2007, answer due 6/6/2007. Service was accepted by Christian Keesberg. Document filed by Joop H. Stadman. (Fagan, Edward) (Entered: 05/26/2007)
05/26/2007	<u>4</u>	CERTIFICATE OF SERVICE. Osterreich Werbung served on 5/17/2007, answer due 6/6/2007. Service was accepted by Christian Keesberg. Document filed by Joop H. Stadman. (Fagan, Edward) (Entered: 05/26/2007)
05/26/2007	<u>5</u>	CERTIFICATE OF SERVICE. Cyalume Technologies, Inc. served on 5/26/2007, answer due 6/15/2007. Service was made by MAIL. Document filed by Joop H. Stadman. (Fagan, Edward) (Entered: 05/26/2007)
05/26/2007	<u>6</u>	CERTIFICATE OF SERVICE. Omnidglow, LLC served on 5/26/2007, answer due 6/15/2007. Service was made by MAIL. Document filed by Joop H. Stadman. (Fagan, Edward) (Entered: 05/26/2007)
05/29/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 05/29/2007)
05/30/2007	<u>8</u>	NOTICE of Amended Complaint. Document filed by Rastko Ferk. (Fagan, Edward) (Entered: 05/30/2007)
06/18/2007	<u>9</u>	NOTICE OF CHANGE OF ADDRESS by Edward Davis Fagan on behalf of all plaintiffs. New Address: Edward D. Fagan, Five Penn Plaza, 23rd Floor, New York, NY, USA 10001, (646) 378-2225. (Fagan, Edward) (Entered: 06/18/2007)
06/20/2007	<u>10</u>	MEMORANDUM OPINION & ORDER # 94808... In accordance with this Court's findings that ptffs' choice of forum is entitled to greatly diminished deference, that Australia is an adequate alternative forum, and that the scales of convenience tip overwhelmingly in favor of dismissal, all five actions within this MDL brought solely on behalf of foreign plaintiffs are dismissed on the ground of forum non conveniens. The Clerk of Court is directed to close these cases [Nos. 03-8960, 03-8961, 06-2811, 07-935 and 07-3881. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (Signed by Judge Shira A. Scheindlin on 6/19/07) (rjm) (Entered: 06/20/2007)
06/25/2007	<u>11</u>	NOTICE of Filing of Affidavit of Bias pursuant to 28 USC Sec. 144. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Bias pursuant to 28 USC Sec. 144 submitted by Dr. Toichiro Kigawa# <u>2</u> Appendix Signature Page of Dr. Toichiro Kigawa# <u>3</u> Affidavit of Bias pursuant to 28 USC Sec. 144 submitted by Dr. Bernd Geier# <u>4</u> Appendix Signature Page of Dr. Bernd Geier)(Fagan, Edward) (Entered: 06/25/2007)
06/27/2007	<u>12</u>	NOTICE of Filing of Exhibits to Affidavits of Bias by Dr. Bernd Geier and Dr. Toichiro Kigawa re: <u>11</u> Notice (Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Exhibit 2 to Affidavits of Bias of Geier and Kigawa# <u>2</u> Exhibit 3 a to Affidavits of Bias by Geier and Kigawa# <u>3</u> Exhibit 3 b of Affidavits of Bias by Geier and Kigawa# <u>4</u> Exhibit 4 to Affidavits of Bias by Geier and Kigawa# <u>5</u> Exhibit 5 to Affidavits of Bias by Geier and Kigawa# <u>6</u> Exhibit 9 a to Affidavits of Bias by Geier and Kigawa# <u>7</u> Exhibit 9 b of Affidavit of Bias by Geier and Kigawa# <u>8</u> Exhibit 10 to Affidavits of Bias by

		Geier and Kigawa# <u>9</u> Exhibit 11 to Affidavits of Bias by Geier and Kigawa# <u>10</u> Exhibit 12 to Affidavits of Bias by Geier and Kigawa# <u>11</u> Exhibit 13 to Affidavits of Bias of Geier and Kigawa# <u>12</u> Exhibit 14 to Affidavits of Bias by Geier and Kigawa# <u>13</u> Errata 15 to Affidavits of Bias by Geier and Kigawa)(Fagan, Edward) (Entered: 06/27/2007)
06/29/2007		DEFENDANTS' JOINT RESPONSE re: <u>11</u> Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #167. Document filed by Austrian National Tourist Office, Inc., Austrian Tourist Office, Inc., Fachverband der Seilbahnen, Cyalume Technologies, Inc., Omnidglow, LLC. (jar) (Entered: 07/12/2007)
06/29/2007		DECLARATION of Ryan M. Morettini in Support re: DEFENDANTS' JOINT RESPONSE to Notice Of Declarations of Bias under 28 USC 144. Original Document filed in 03cv8960 doc. #168. Document filed by Austrian National Tourist Office, Inc., Austrian Tourist Office, Inc., Osterreich Werbung, Fachverband der Seilbahnen, Cyalume Technologies, Inc., Omnidglow, LLC. (jar) (Entered: 07/12/2007)
07/04/2007	<u>13</u>	MOTION for Extension of Time to <i>File Motions For Miscellaneous Relief from Opinion and Order entered 20 June 2007.</i> Document filed by Geier, Hermann. (Attachments: # <u>1</u> Affidavit of Fagan and Geier in Support of Motion# <u>2</u> Supplement Fagan and Geier Declaration Signature Page# <u>3</u> Exhibit 1 to Affidavit of Fagan and Geier - Documents to Supplement the Record# <u>4</u> Exhibit 2 to Fagan and Geier Declaration - Summary of Errors & Instances of Abuse of Discretion Requiring Reconsideration and Reversal and Instances of Alleged Bias, Prejudice and Ex Parte Communication Related to Recusal)(Fagan, Edward) (Entered: 07/04/2007)
07/05/2007	<u>14</u>	DECLARATION of Ed Fagan and Dr. Bernd Geier in Support re: <u>13</u> MOTION for Extension of Time to <i>File Motions For Miscellaneous Relief from Opinion and Order entered 20 June 2007..</i> Document filed by Geier, Hermann. (Attachments: # <u>1</u> Supplement Fagan and Geier Signature Page# <u>2</u> Exhibit 1 - English Translation and Excerpts of July 2007 German Prosecutor's Report# <u>3</u> Exhibit 2 German Prosecutor's Report July 2007 Transmittal to Dr. Hasslacher# <u>4</u> Exhibit 3 - German Prosecutor's Report July 2007 in German# <u>5</u> Exhibit 4 - German Prosecutor's Report News Articles)(Fagan, Edward) (Entered: 07/05/2007)
07/09/2007		CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 19, 2007, all five actions within this MDL brought solely on behalf of foreign plaintiffs on the grounds of forum non conveniens are dismissed; accordingly, these cases, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; and 07 Civ.3881], are closed (Orig. filed in case no. 01 MDL 1428 (SAS) as doc. # 307. (Signed by J. Michael McMahon, clerk on 7/9/07) (ml) (Entered: 07/09/2007)
07/31/2007		MEMORANDUM OF LAW in Support of motion for (1)Reconsideration and other relief pursuant to Local Rule 6.3 & F.R.C.P. 60(b), (ii)granting prior

motions against Omnidglow Corp/Cyalume Technologies for preclusion; (iii) granting Plaintiffs permission to intervene in existing cases against Omnidglow Corp. & BoschRexroth Corp. (iv) convening a final pre-trial conference related to claims Omnidglow/Cyalume Technology and Bosch Rexroth Corp. And scheduling cases for immediate Trials; (v) permitting plaintiffs to amend complaints to state new causes of action in accordance with Ross v. Louise Wise Serv. Inc. (Orig. docketed in 03cv8960 as document #169. Document filed by Dragica Ferk, Anneliese Ferstl, Franz Ferstl, Jr, Kosuke Nanae, Masatoshi Mitsumoto, Geier, Hermann, Birgit Gotz, Roland Mayerhofer, Peter Decker, Brigitte Decker, Rastko Ferk. (pl) (Entered: 08/14/2007)

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